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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,151	10/24/2003	John Ming-Chuan Han	2004-1002	1676
37476	7590	01/30/2008		
WHITE-WELKER & WELKER, LLC			EXAMINER	
P.O. BOX 199			TIEU, BINH KIEN	
CLEAR SPRING, MD 21722-0199			ART UNIT	PAPER NUMBER
			2614	
			MAIL DATE	DELIVERY MODE
			01/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/693,151	<b>Applicant(s)</b> HAN, JOHN MING-CHUAN	
	<b>Examiner</b> /BINH K. TIEU/	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5,9 and 14 is/are rejected.
- 7) ☒ Claim(s) 2-4,6-8,10-13 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/24/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 14 is objected to under 37 CFR 1.75(c) as being in improper form because of multiple dependent claims 12/10 and 12/11. See MPEP § 608.01(n). Accordingly, the claim 14 is not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. For example, claim 9 recites limitations of “process of enabling a seller to purchase a plan and phone” which does not clearly described in the specification. The specification describes only buyer/subscriber to purchase a plan and phone (see paragraphs [0042]-[0043]). There are no paragraphs in the specification that describe the feature of process of enabling a seller to purchase a plan and phone, as required in claim 9. The Applicant is required to point out to where, in the specification or drawings, teaches such feature.

Claims 10-13 are dependent claims which depend directly and indirectly from claim 9. Therefore, claims 10-13 are rejected with same reasons set forth in claim 9 above.

For an examination purpose, the Examiner assumes that the feature of “process of enabling a seller to purchase a plan and phone” is described somewhere the specification.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Ichihara et al. (US. Pat. #: 6,886,744).

Regarding claim 1, Ichihara et al. (“Ichihara”) teaches a method of enabling phone number portability between wireline to wireless and wireless to wireless systems comprising the steps of:

(a) process of validating a subscriber’s information (col.6, lines 56-63);

(b) process of enabling a subscriber to purchase a plan and phone (col.7, lines 2-15);

(c) process of transporting to a subscriber a phone and plan information (col.24-40).

Regarding claim 5, Ichihara teaches a method of enabling phone number portability of new wireless number comprising the steps of:

- (a) process of validating a subscriber's information (col.6, lines 56-63);
- (b) process of enabling a subscriber to purchase a plan and phone (col.7, lines 2-15);
- (c) process of transporting to a subscriber a phone and plan information (col.24-40).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ichihara et al. (US. Pat. #: 6,886,744) in view of Petrelli et al. ("US. Pat. #: 6,359,980").

Regarding claim 9, Ichihara the major steps as discussed in the rejections of claims 1 and 5 above. Ichihara fails to clearly teach the process of validating seller's information, as well. However, Petrelli et al. ("Petrelli") teaches a method for administering advanced number portability numbers. Petrelli teaches that a user is allowed to purchase of a block of commercially significant and vanity (CSV) telephone numbers. Petrelli further teaches that the user enables to resale unused telephone number(s) of the block by using a remote access terminal 40, as shown in figure 3. The

remote access terminal 40 is used to enter the unused telephone number(s) so that the system can verify validation of the user/seller telephone number(s) as seller information for an auction (see col.4, line 30 through col.5, line 35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of process of validating seller's information, as taught by Petrelli, into view of the Ichihara in order to provide service of resale or auction to seller to sale the existing telephone number.

***Allowable Subject Matter***

8. Claims 2-4, 6-8, and 15/5-15/8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 10, 11, 12/10, 12/11 and 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: [BINH.TIEU@USPTO.GOV](mailto:BINH.TIEU@USPTO.GOV).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS**

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**/BINH K. TIEU/**  
Primary Examiner  
Technology Division 2614

Date: December 2007